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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,632	01/22/2004	David Gross	MATHCOM.P-2	5049

28752 7590 05/22/2006
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EXAMINER

BLACKWELL, JAMES H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,632	GROSS, DAVID	
	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an original application filed 01/22/2004 with a priority date of **01/22/2004**.
2. Claims 1-20 are pending. Claims 1, 14, and 17 are independent claims.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. With regard to the Specification, Page 2 should contain copyright symbols where appropriate (e.g., Microsoft ©).

Claim Objections

5. With regard to Claim 2, Claim 2 is vague and indefinite, and for the purposes of art rejections, the phrase "(Renumbered from 3)" will be ignored.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Specifically, Claim 7 uses the term "efficiently" which is indefinite since there is no measure of how efficient the electronic document is in performing verification and authentication.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Codepunk ("Code_Punk's Advanced Javascript Scrolling Detection: tutorial and source code", copyright 06/14/2002 (tutorial) and 06/18/02 (source) (via Wayback machine), downloaded from <http://web.archive.org/web/20020614110047/http://codepunk.hardwar.org.uk/ajs02.htm>, and http://web.archive.org/web/*/http://codepunk.hardwar.org.uk/samp097.htm).

In regard to independent Claim 1 (and similarly independent Claims 14, and 17), Codepunk teaches a) *defining parameters for affecting said document* in that the tutorial describes how one constructs an HTML page containing JavaScript code which, when loaded to a web browser allows for the display of different background colors as a function of scrolling the page with the browsers vertical scroll bars (Pg. 1 of 11, 5th Paragraph). The source code of the web page including JavaScript is also provided to demonstrate the final result (Pg. 1 of 11, 5th Paragraph, hyperlink labeled "Here is an Example").

Codepunk begins by describing how one goes about detecting scrolling, as there is no "onScroll" event (as of the time of invention) available to call to detect scrolling.

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Thus, Codepunk describes how such a function (in JavaScript) is created (Pgs. 2-8 of 11). These instructions result in a function containing defined parameters as variables, as claimed (Pg. 1 of 3 source code function startPolling).

Codepunk also teaches the limitation of *c) providing a background generator receiving the function result as an input, for accordingly outputting a background relative to said input* in that calls are made to JavaScript functions, which are interpreted by a browser containing a JavaScript interpreter (note that this feature was typical of browsers at the time of invention). The particular function document.bgColor sets the background color based on the scroll position (see source code, Pg. 1 of 3).

Likewise, Codepunk teaches the limitation of *d) checking the document and substituting actual values reflecting said parameters to said function variables, and activating the function to obtain and provide results to the background generator, to produce and apply a specific background to the document* (again see source code for JavaScript functions both created based on the tutorial and those predefined in the JavaScript language).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-13, 15-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Codepunk.

In regard to dependent Claim 2, Codepunk teaches that *the applied background spans a portion of the document* (see example output from executed source code, Pgs. 4-6 of 6 of source code)

In regard to dependent Claim 3, Codepunk teaches that *varying the function result to render the appearance of the resulting background from the background generator so varies in shade, and/or color shape, and/or pattern, according to the function result* (see source code and sample outputs Pgs. 1-6 of 6; by moving the browsers scrollbar, the background color changes to tell one where in the document one is currently looking at).

In regard to dependent Claim 4, Codepunk teaches the limitation of *conveying the document, function, and generator together from a first entity to a second entity for applying values at said second entity to said parameters, activating the function and background generator to produce a specific background to said document, depending on the said parameter values and returning the document with its produced background*

to the first entity in that one uses a browser (first entity) with the capability of interpreting and executing JavaScript (interpreter, second entity). When the page is loaded to the browser (first entity), the JavaScript is executed by the interpreter (second entity), and depending on the position of the browsers scrollbar changes the background color of the screen based on the position of the scrollbar and returns that color and displays the page to the browser (first entity) for viewing by the user.

In regard to dependent Claims 5-6, Claims 5-6 depict similar scenarios as that claimed in Claim 4, and are similarly rejected.

In regard to dependent Claim 7, Codepunk teaches that *the document is an electronic document* (see source Pgs. 1-3 of 6).

Codepunk fails to teach that the document *is used for efficiently verifying documents and authenticating documents*. However, it was typical at the time of invention to incorporate JavaScript into web documents, as Codepunk has done, to validate HTML form field inputs, typically on the client-side, providing the benefit of corrected inputs prior to submission to a web server.

In regard to dependent Claims 8 (and similarly dependent Claim 13), 9, and 12, though Codepunk does not expressly teach *printing (or scanning) the document with its produced color*, it would have been obvious to use a browser displaying claimed document with background color to print the document and background color as printing was a feature typically found in browsers at the time of invention providing the benefit of obtaining a hard copy for later viewing (note that based on the sample outputs of Codepunk, source Pgs. 4-6 of 6, that each of these pages is separately recognizable (in

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reference to the limitations of Claim 9) because each contains a different background color depicting that the viewer was viewing different portions of the document at the time of printout). It would have been further obvious to scan a previously printed document for viewing with a browser as this function was also well known at the time of invention to provide a static electronic copy of the document perhaps to incorporate into another electronic document or compilation of documents.

In regard to dependent Claim 10, Codepunk teaches *maintaining the function and background generator continually active to produce a background for the document while the document is edited* in that while the page is loaded

In regard to dependent Claim 11, Codepunk teaches that *the function and background generator are active only wherein required* in that the JavaScript in the source is only invoked upon a event represented by the user moving the vertical sidebar to a different position thereby changing the background color).

In regard to dependent Claim 15, Codepunk teaches that *the output from the function is a value enabling the background generator to either produce a homogenous background or a pixel-matrix enabling the background generator to produce a complicated background* (see source code, Pg. 1 of 6, values for position variable are single color values).

In regard to dependent Claims 16 (and similarly dependent Claim 19), Codepunk teaches that *the parameters are associated with or obtained from the computer system in which the document is located, or from its periphery* (tutorial, Pgs.

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1-8 of 11; source Pgs. 1-6; the parameters are associated with the browser which in turn is associated with the computer).

In regard to dependent Claim 18, Codepunk teaches that *the output result from the function is either one value or a pixel-matrix indicating shade and/or color values over the background* (see sample output Pgs. 4-6 of source; single color is chosen for background as a function of scrollbar position).

In regard to dependent Claim 20, Codepunk teaches that *the application of a specific background to the document includes variation of the appearance of the text of the document* (see sample outputs Pgs. 4-6 of source).

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
05/05/2006

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER